

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, August 31, 2009

Those Present: Mr. James E. McClellan, Chairman
Mr. Robert C. Snyder, Board Member
Mrs. Linda B. Thall, Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:30 am by Chairman McClellan.

1. **6/10 Gas Mart** – Ms. Vahle stated that Mr. Finneyfrock had told her that he sold the business two years ago. Inspector DeLauter asked the occupants at the establishment who owned the business and they stated that Mr. Finneyfrock owned it. Ms. Vahle will send a letter asking for documents confirming ownership.
2. **Bentz Street** – An anonymous complaint was made against this establishment.
3. **Bodega/Cellar Door** – Ms. Vahle and the Inspector went to this establishment and found only 44 chairs. When the Inspector returned there were 50 chairs in place. The Board directed the Inspector to advise the establishment that it would be charged with a violation if there were less than 50 chairs in the future.
4. **Fuji Restaurant** – Ms. Vahle stated there was a report that this establishment had been closed for two or three weeks. Mrs. Thall recommended that the Board confirm that the business has been closed for at least ten consecutive days. The Inspector will follow up.
5. **Greene Turtle** – An underage person made a complaint that she was let into the establishment by the security people. The Inspector stated she was upset with her boyfriend, who is the security guard, and that may be why she made the complaint. There is no proof that she was drinking alcoholic beverages.

6. **Josephine's** – A mother made a complaint about her underage daughter going into this establishment. The Inspector will interview the mother and daughter.
7. **Mountaindale General Store** – An application for a new license was pending, but they have decided not to proceed.
8. **New Miyako's** – This licensee has been refilling bottles. The Board voted to hold a violation hearing.
9. **One More Tavern** – The owner was drinking inside of the tavern while on duty behind the bar. The Board requested that a violation hearing be scheduled.
10. **Back Forty** – This establishment did not have a work schedule on the premises. The Inspector will inform them of the need to maintain the schedule or there will be a violation hearing.
11. **PB Dye Golf Course** - This establishment posted a sign saying “6 pack Special Buy 5 cans of beer, get the 6th Free”. The Board requested a violation hearing.
12. **Frederick Sheetz** – This establishment does not keep wine in stock. The Board requested a violation hearing.
13. **Journey's** – This establishment violated the gaming laws and has until September 24 to file an appeal. Ms. Vahle will let the Board know whether an appeal is filed.
14. **Increasing License Fees/Application Fees** – Mrs. Thall stated she received a call from the Finance Division asking whether the Board would be seeking legislation to increase license fees. Ms. Vahle will make a recommendation to the Board at the next meeting for consideration. The Board is also in favor of requesting the Delegation to establish an application processing fee for both license applications and renewals.
15. **Hampton Inn** – Mr. Snyder specifically asked Mrs. Cohen when she came in for an earlier hearing if she mentioned the Hampton Inn's policy back when the application hearing was held for the license. She said yes. Ms. Vahle searched the minutes and found that it was not mentioned until after the fact. Mr. Snyder wants the licensees to come back in and explain why they did not tell the Board the whole truth. The Board would like a written explanation and ask them to apply for a Country Inn license.

16. Decision Required: Transfer

TRANSFER FROM: RE: Lisa D. Dolan, Sally A. Dolan
and Jeffrey W. Meadow for the
use of LJG, LLC
t/a **Guido's**
543 N. Market St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

TRANSFER TO: RE: Thomas Edward Miller II,
Johathan Mark Cadle and
Jeffrey Grant Beckelman for
the use of TMI Auto
Liquidators LLC
t/a **Guido's**
543 N. Market St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Health Department, Bulk Transfer Affidavit, Bulk Transfer Permit and Inspector report. The applicant stated they were going to settlement tomorrow and would have the Bulk Transfer Permit and Affidavit next week. The Inspector stated they were compliant.

MOTION ONE: Mr. Snyder made a motion for approval pending the completion of the items.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

17. Decision Required: New License

RE: Thomas Janes, Julie Herber and
Gene' Fouche' for the use of
Maryland Ensemble Theatre Inc.
t/a **Maryland Ensemble Theatre**
31 W. Patrick St.
Frederick, MD 21701

Class C, On Sale, Beer and Light Wine license

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Fire Marshal, Alcohol Awareness and Inspector's Report. Tad Janes stated that the Fire Marshal did inspect and will return on September 14. He will provide the Liquor Board with their certificates for alcohol awareness. The Inspector stated that they are compliant.

MOTION ONE: Mr. Snyder made a motion for a conditional approval for September 28, 2009.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

18. Decision Required: New License

RE: Michael J. Muren, Alvera Ballew &
Sudad Zanganah for the use of
Micallies, LLC
t/a **Micallies**
46 & 48 S Market Street
Frederick, MD 21701

Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Occupancy Permit, Fire Marshal, Health Department, Alcohol Awareness, Inspectors Report. Mr. Muren stated that they would

open towards the end of spring 2010. Inspector stated the building is just a shell at this time.

MOTION ONE: Mr. Snyder made a motion for a conditional approval for July 5, 2010(holiday).

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

19. Decision Required: Transfer

TRANSFER FROM: RE: Thomas M. Poss for the use of
TR LTD t/a **The Tasting
Room**
101 N. Market St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

TRANSFER TO: RE: Jarrett Walsh for the use of
TR LTD t/a **The Tasting
Room**
101 N. Market St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Fire Marshal and Inspectors Report. The Fire Marshal requested they make some corrections and will reinspect in two weeks. The Inspector stated that they are compliant.

MOTION ONE: Mr. Snyder made a motion for a conditional approval pending the Fire Marshal approval.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

20. Decision Required: Approval of the Public Meeting Minutes for August 3, 2009 and August 10, 2009.

The Public Meeting Minutes of August 3, 2009 and August 10, 2009 were approved.

MOTION: Mr. Snyder made a motion to approve the minutes for August 3, 2009 and August 10, 2009.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. McClellan-Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

ADJOURN

The meeting was adjourned at 9:18 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees